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(4)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,161	08/30/2001	Mark J. Woods	9071.00	8617
26889	7590	10/05/2004	EXAMINER	
MICHAEL CHAN NCR CORPORATION 1700 SOUTH PATTERSON BLVD DAYTON, OH 45479-0001			HOLMES, MICHAEL B	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

(9)

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/943,161	WOODS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael B. Holmes	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 August 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 5-7,9 and 10 is/are allowed.

6)  Claim(s) 1 and 8 is/are rejected.

7)  Claim(s) 2-4 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 17 October 2001 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. 09/943,161.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01092002.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_



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**Examiner's Detailed Office Action**

1. This office action is responsive to application **09/943,161**, filed **August 30, 2001**.
2. **Claims 1-10** have been examined.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

**(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.**

4. Claims 1 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Husseiny* (USPN 5,210,704) further in view of *Miceli et al.* (USPN 6,590,519 B2).

Regarding claim 1. *Husseiny* describes an evaluation system (*see* FIG. 1; C 10, L 08-35) for evaluating media (*see* FIG. 1, item 160; C 10, L 08-35, *note: media is interpreted to be the physical material, such as paper, disk and tape, used for storing computer-based information*), the system comprising: sensing means for sensing properties of media including the location of any imperfection in the media (*see* FIG. 10, block 820, *Sensing*). *Husseiny* does not describe an artificial neural network and a fuzzy system. However, *Miceli et al.* describes an artificial neural

network and a fuzzy system (*see* C 12, L 48 to C 13, L 49 & C 14, L 42-46) It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters to combine *Husseiny* with *Miceli et al.* because the cost for performing such diagnostic evaluations can be reduced significantly by such a system. (*see* C 2, L 24-26)

### Claim Objection

5. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Allowable Subject Matter

6. Claims 5-7, 9, & 10 are allowed, whereby the closest prior art *Husseiny* (USPN 5,210,704) and *Miceli et al.* (USPN 6,590,519 B2) does not teach or render obvious applicant's claimed invention.

With respect to claim 2, *Husseiny & Miceli et al.* does not teach "*... generating a second damage value, and combining means for combining the first and second damage values to generate a single damage index.*"

With respect to claim 5, *Husseiny & Miceli et al.* does not teach "*... generating a second damage value based on the imperfections in the non-critical locations; and combining the first and second damage values to generate a single damage index.*"

With respect to claim 6, *Husseiny & Miceli et al.* does not teach "*...generating a second damage value, and combining means for combining the first and second damage values to*

*generate a single damage index.”*

With respect to claim 9, *Husseiny & Miceli et al.* does not teach “*...determining properties of each of the imperfections in the media; generating a damage index associated with each imperfection based on the determined properties; and generating a single suitability index based on a combination of each damage index.*”

With respect to claim 10, *Husseiny & Miceli et al.* does not teach “*...determining properties of each imperfection in the media; generating a damage index associated with each imperfection based upon the determined properties of the imperfection; and generating a single suitability index based upon a combination of each damage index.*”

7. The prior art made of record and (listed of form PTO-892) not relied upon is considered pertinent to applicant’s disclosure as follows. Applicant or applicant’s representative is respectfully reminded that in process of patent prosecution i.e., amending of claims in response to a rejection of claims set forth by the Examiner per Title 35 U.S.C. The patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and any objections made. Moreover, applicant or applicant’s representative must clearly show how the amendments avoid or overcome such references and objections. *See 37 CFR § 1.111(c).*

## Correspondence Information

8. Any inquiries concerning this communication or earlier communications from the

examiner should be directed to **Michael B. Holmes** who may be reached via telephone at **(703) 308-6280**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding After Final issues, please send it to **(703) 746-7238**. If you need to send an Official facsimile transmission, please send it to **(703) 746-7239**. If you would like to send a Non-Official (draft) facsimile transmission the fax is **(703) 746-7240**. If attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor, Anthony Knight**, may be reached at **(703) 308-3179**.

Any response to this office action should be mailed too:

**Director of Patents and Trademarks Washington, D.C. 20231**. Hand-delivered responses should be delivered to the Receptionist, located on the fourth floor of **Crystal Park II, 2121 Crystal Drive Arlington, Virginia**.

**Michael B. Holmes**  
Patent Examiner  
Artificial Intelligence  
Art Unit 2121

United States Department of Commerce  
Patent & Trademark Office



Anthony Knight  
Supervisory Patent Examiner  
Group 3600